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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

later: Mrs. REGAZZOLI (Argentina)
Ms. SINEGIORGIS (Ethiopia)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/1990/SR.35/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Corr. 1 and Add. 1, 25-28, 51, 52, 55, 57, 60-63, 69, 70 and 74; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55 and 58; A/44/526, 573, 620, 622, 635, 669 and 671)

1. Mr. MILOSEVIC (World Association for World Federation) said that Europe was currently witnessing the development of an impressive process of democratization and co-operation among peoples, although a number of cases of tension merited consideration. His association was particularly interested in the study of federalism as a governmental structure that permitted unity and respect for cultural identities at the same time. It was therefore with particular attention that it was following the development of the fragile Yugoslav Federation where each of the six Republics was engaged in carrying out political and economic reforms at a time when the crisis in Kosovo risked triggering an explosion throughout the country.

2. The essential condition for the completion of the process of political and economic liberalization undertaken in the Yugoslav Federation was clearly a democratic and political settlement of the problem of the Albanian minority in the Republic of Serbia. For the Serbian people, Kosovo was its ancestral home, a sort of "Holy Land". It was only in the eighteenth century, under Turkish occupation, that the Albanians, already Islamicized, had begun to enter the region.

3. During the First World War, the Serbian people had made immense efforts to defend itself and Serbia had lost 24 per cent of its population. The Serbs had sacrificed four million men for the establishment of the Yugoslav Federation. In 1941, the Albanian minority had not exceeded 500,000 persons in all Yugoslavia and had represented only 48 per cent of the inhabitants of the Kosovo region. At the beginning of the Second World War, 100,000 Serbs from Kosovo had been massacred by the systematic terror of German occupation and its extremist Albanian collaborators.

4. In the post-war period, the Serbian population of Kosovo had continued to be persecuted by means of psychological and moral torture, dispossession of land, social and legal discrimination, desecration of graves and of Serbian monuments, etc. The purpose of those acts was to create a climate of fear and force the Serbs to leave the region. Indeed, the percentage of Serbs in the Kosovo population had decreased rapidly, from 27 per cent in 1948 to the current 10 per cent. More than 250,000 Serbs had been compelled to leave their region in the last 20 years, while a massive and uncontrolled wave of nearly 200,000 immigrants from Albania had flooded Kosovo.

5. The Albanian minority in Kosovo had obtained all rights: instruction in schools and universities was given in their national language, and they had their own Government, parliament, and administration. Their leaders occupied

key positions in the Federation: in 1986, the President of the Yugoslav Federation had been an Albanian. In 1985 and 1988, the Presidents of the National Assembly of Yugoslavia had also been Albanian, and Albanians currently represented the Yugoslav Federation in 15 countries as Ambassadors.

6. Despite their economic difficulties, the Republic of Serbia and the Yugoslav Federation allocated some $1,200,000 per day to the Kosovo region, a drain on the national wealth that considerably lowered the standard of living of the Yugoslav population as a whole. Nevertheless, despite all those rights and advantages, the agitation by the Albanian minority in Kosovo still continued.

7. In that connection, reference should be made to the systematic propaganda of Stalinist Albania, which had succeeded in engendering in part of the population the desire for an ethnic unification - a "Greater Albania". The idea was that the systematic disturbances would finally compel the Yugoslav Federation and the Republic of Serbia to allow the southern portion of the Serbian lands and to break away and establish a self-governing republic which would be 90 per cent Albanian and which, in the name of the right to self-determination, would unite with the Socialist People's Republic of Albania. No nation in the world could accept the separation of part of its territory by such a procedure.

8. The solution to the Kosovo problem lay solely in strict respect for human rights, namely, in halting the forcible "Albanization" of a territory that was an integral part of the Republic of Serbia.

9. The new legislation authorized the establishment of political parties and thus gave the Albanians in Kosovo the opportunity to put forward their demands within the framework of democratic institutions. It went without saying that, in order to obtain the confidence of the peoples of the Yugoslav Federation, the Albanian parties in Kosovo must keep the current Stalinist régime in Albania at arm's length.

10. In conclusion, he said that it was undeniably in the general interest of the future united and expanded Europe that the Balkans should cease to be a potential area of violence and that an end should be put to all attempts to break up the Federation of Yugoslavia, a country which was seeking to build a true democracy in which the Albanian minority would have its place.

11. Mr. GAJARDO (World Federation of Democratic Youth) said that, in recent years, Colombia had had one of the worst human rights records in the western hemisphere. In 1989, there had been 1,778 political assassinations and 164 of the victims had been tortured. There had been 114 disappearances for political reasons and 500 persons had lost their lives in 67 massacres. The responsibility of drug traffickers had been proved in 12 per cent of those collective assassinations.

12. His organization maintained that those serious human rights violations would not be possible without the open collaboration of broad sectors of the armed forces with the most reactionary elements of society. That situation could not continue, and his delegation called on the Government of Colombia to curb the armed forces without delay as part of the struggle against the drug traffic and paramilitary bands.

13. It demanded the lifting of the state of siege and other measures that prevented the enjoyment of individual and collective freedoms. His organization also supported proposals for dialogue between the Government and the insurgent forces.

14. Chile had been an open wound for nearly 17 years. The vast majority of the victims had been young persons, which was no mere coincidence since they had been in the forefront of the fight for democracy. His organization would resolutely support the new Government in its endeavours to restore truth and justice, and thought that it deserved generous assistance from the Commission.

15. There were, however, a number of aspects that would hamper the building of democracy. The same courts that had functioned during the dictatorship would continue to exist under the new Government, but the thousands of reports of human rights violations that had been ignored would have to be investigated and the relevant decisions taken. To bring about the restoration of the rule of law, it was also necessary to prohibit the military courts from trying civilian cases and rescind the Amnesty Law. Attention should also be given to the 500 persons who had been imprisoned under the Pinochet régime as a result of irregular trials.

16. Constitutional reform should provide full protection for the principle of the sovereignty of the people. The powers of the National Security Council and of the commanders-in-chief of the armed forces ran counter to that principle. It would also be necessary to dismantle the secret police. Consideration should be given to the reincorporation of exiles into the country's economic and social life. In addition, the victims of human rights violations should receive compensation.

17. The situation of human rights and fundamental freedoms in El Salvador continued to be of concern to his organization because of the repressive actions of the Salvadorian Government, including death threats, imprisonment, torture, disappearances and summary executions. The victims of political persecution in that country included students, trade unionists, human rights activists, journalists, members of opposition political parties, and clergy. Foreigners who visited El Salvador or were involved in the social welfare activities of the churches and humanitarian institutions were also targets of repression.

18. The international community had been horrified at the assassination of the Jesuit priests who had been working to secure an end to the war and repression. The persecution of the churches had thus claimed new victims. It was still continuing. The Archbishop of San Salvador had informed the press on 22 January of new death threats received by telephone. On that same day three clergymen had been kidnapped by men in plain clothes. Subsequently, the offices of the Archbishop had been searched by army units.

19. During the new offensive launched by the FMLN against military installations in various cities of El Salvador, the Government forces had not always shown respect for humanitarian law. The Government's artillery and air force units had made no distinction between the civilian population and FMLN combatants, despite the fact that the latter wore uniforms and carried their weapons openly.

READEX

20. The international community had demanded the protection of non-combatants and respect for the standards of humanitarian law. The armed forces had failed to fulfil their obligations. The wounded had not received treatment and many had died through lack of medical care. The identity papers of dead civilians had been removed and they had been presented as guerrillas killed in combat. The bodies of FMLN combatants had been mutilated and burnt to create terror among the civilian population.

21. At the end of the hostilities between the army and the FMLN, a witch-hunt had been launched in the areas that had been under FMLN control, a persecution that was still continuing. Attacks against the civilian population had not yet ceased. In that connection, he said that, on 11 February, government aircraft had launched another attack against a community of returnees at San Jacinto Guancorita, in the Department of Chalatenango, causing the death of six persons, injuring 25 and destroying 14 homes. That situation should be reflected in the resolution which the Commission was to adopt on human rights in El Salvador.

22. He also wished to draw attention to the case of Miss Rim Sou Kieung, a young citizen of the Republic of South Korea, who had represented the National Council of Students at the 13th World Festival of Youth and Students, held at Pyongyang in North Korea. She had taken part in the Festival at the invitation of a committee composed of representatives of various international youth organizations. Upon her return to South Korea, she had been detained under the National Security Act and sentenced to 10 years' imprisonment.

23. Ms. GAER (International League for Human Rights), recalling that, at the outset of its current session, the Commission had observed a minute's silence in memory of Andrei Sakharov, said that perhaps the best way to honour his memory was to advance the cause of freedom and to aid those of his colleagues throughout the world who were engaged in the defence of human rights in their own countries.

24. In her last meeting with Mr. Sakharov, he had expressed concern about China. He had spoken of killings and massacres in other countries that had preceded the Beijing massacre and had said that, whenever the world failed to express its protest, other Governments were emboldened to act in a similar fashion with cruelty, secrecy and denials to cover their indifference to the lives of their own citizens.

25. In June 1989, the Chinese Government had ordered a crackdown on the pro-democracy movement which had flourished openly in the country during the preceding months. The immediate consequences of that crackdown had been the deaths of many hundreds of innocent Chinese citizens and injury to many thousands more. The June massacre had been followed immediately by a campaign of arrests, trials and executions designed to extirpate the pro-democracy movement.

26. Since June 1989, the Chinese Government had given coverage of the continuing repression a much lower profile. None the less, it was clear from official Government announcements and other sources that the campaign of repression continued relentlessly and that the Government had reasserted its control in formal and informal ways, including new restrictions on political

activities, continuing incommunicado detention of thousands of people, and attempts to purge those believed to have been involved even peripherally with the pro-democracy movement.

27. The Chinese Government had recently taken a number of measures intended to divert attention from its continuing violation of rights. In particular, it had lifted martial law in Beijing and released some prisoners. However, those few token steps should not be regarded as particularly positive measures for a number of reasons. First, thousands, perhaps tens of thousands, of Chinese were still being detained for their actual or supposed role in supporting the pro-democracy movement. Secondly, the 573 prisoners whom the Government claimed to have released had not been released unconditionally. The Ministry of Public Security had stated that all of them had had to confess their guilt and demonstrate suitable signs of repentance before they were released. Many were required to report to local police stations; some had effectively lost their jobs as a result of their detention since they were no longer politically suitable. Thirdly, the restrictions imposed under martial law had been codified and extended in a range of new legislation and administrative regulations, restricting the exercise of rights to form independent organizations and to exercise the rights of freedom of association, assembly and expression guaranteed by international law. Fourthly, there had been no let-up in the Government's campaign of "thought rectification"; indeed, the Government was embarking on a new, more extensive campaign of purging the 48 million-person Communist Party of those who harboured "counter-revolutionary" thoughts or engaged in "counter-revolutionary" activities.

28. In short, the Chinese Government was still failing to live up to the international standards to which it had willingly subscribed, a failure exacerbated by its persistent refusal to acknowledge the occurrence or wrongfulness of many of those violations.

29. She urged the Commission to continue to keep the issue of China under review. The implementation mechanisms established by the Commission, such as the visits of special rapporteurs to various countries, had raised the moral standing of the Commission and brought help to victims of human rights violations world-wide. She strongly suggested the appointment of a special rapporteur on China who would take effective action to help bring an end to the repression currently gripping that country.

30. In view of the dramatic impact which the thematic rapporteurs had made on the implementation of human rights, she called upon the Chinese Government to co-operate with the Special Rapporteur on summary or arbitrary executions, perhaps by inviting him to visit China and examine the situation there first-hand, and to extend similar co-operation to the Special Rapporteurs on questions relevant to torture and religious intolerance.

31. In addition, the Government of China should take immediate and effective steps to put an end to the widespread and pervasive violations of human rights which had occurred in that country and to ensure that its citizens enjoyed in practice the rights which it had solemnly undertaken by international agreement to guarantee to them.

32. Mr. HAMDAN (Observer for Lebanon) drew attention to a report of the Secretary-General on the United Nations Interim Force in Lebanon (S/21102), and particularly to its paragraphs 13, 15-17 and 23-30, which contained details of the violations committed by the occupying forces in Lebanon. The situation described in the document was consistent with all reports by the Secretary-General since 1978 and with the resolutions of the Security Council and other United Nations bodies, all of which had emphasized the existence of Israeli occupation of a part of Lebanese territory and had repeatedly called upon Israel to withdraw. Israel asserted that it did not control that territory and was thus not obliged to comply with the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). That assertion allowed it to evade its responsibilities under the Convention.

33. The Israeli forces were continuing to expel Lebanese from the occupied area. In February 1989, the President of the Security Council had informed the Israeli chargé d'affaires at the United Nations of the Council's concern at the deportations of citizens, particularly from the village of Shebaa. However, that expression of concern had fallen on deaf ears.

34. In April 1989, Israel had expelled some 300 persons from the occupied Arqoub district. Since 1985, it had confiscated 14 farms covering an area of 200 square kilometres. One half of the village of Shebaa and most of the other villages in that district had been totally destroyed. Those who resisted the Israeli policy had had their property confiscated and had been prohibited from exercising their occupations. His country had frequently expressed its fears concerning the existence of an Israeli plan to expel the population from the Arqoub district and annex its territory as part of a new settlement policy involving immigrant Jews, particularly the Falashas who had emigrated from Ethiopia.

35. The International Committee of the Red Cross (ICRC) and other humanitarian organizations had been prevented from visiting refugee camps in the area in order to carry out their tasks. In November 1989, the ICRC had published a statement referring to random firing on detainees at the Khiyam detention centre.

36. Since the beginning of the current year, the Israel Defence Forces had carried out five air raids against positions in Lebanese territory, as well as daily provocative incursions into Lebanon. His Government had repeatedly called upon the Commission and the international community to take a clear position on such continuing violations of human rights. His Government regarded the Israeli presence in southern Lebanon as an attempt to interfere in its internal affairs and aggravate the country's crisis. Israel's efforts to divide Lebanon and the Arab world were no longer a secret.

37. In recent days, the Commission had taken a commendable position with regard to the situation in East Beirut and had approved the Taif Agreement as a means of ending the suffering of the Lebanese people. That Agreement also called for the implementation of Security Council resolution 425 (1978), which remained the best way of restoring Lebanese sovereignty and territorial integrity.

38. Mrs. Regazzoli (Argentina) took the Chair.

39. Mr. PAGÁC (Observer for Czechoslovakia) said that many countries had significantly changed their views on human rights questions, and that had contributed to greater realism with regard to the international protection of those rights, thereby opening up possibilities for a fruitful dialogue between States. From the point of view of human rights, no country was perfect. It was important, therefore, to measure the situation in the various countries against international human rights standards and to co-ordinate efforts to find generally acceptable solutions when particular situations fell short of those standards. Any discussion of such issues must be based on equal participation, mutual respect and the greatest possible impartiality, free of ideological influences.

40. Among the problems which most concerned his delegation were the protracted situation in South Africa and the Israeli policy in the occupied Arab territories. The human rights situation in those areas was still far from satisfactory.

41. His delegation was also alarmed at the gross violations of human rights in El Salvador, Guatemala, Colombia and other Latin American countries. It was undeniable that the methods used in armed conflicts in that region constituted a threat to justice, human dignity and fundamental freedoms. Moreover, any interference by a State, especially armed intervention, in the internal affairs of another State was unacceptable and could not be justified by any intentions, however noble.

42. Since 1989, certain democratic changes in Chile had held out new hopes for the Chilean people. It was expected that the new leadership would promote a rapid and lasting solution to the long-standing tension in that country, where, for political reasons, human rights had often been grossly violated.

43. Another question of deep concern to his Government was the settlement of the Afghan conflict. The Agreements on the Settlement of the Situation Relating to Afghanistan (Geneva Agreements) continued to be the best legal basis for a comprehensive solution. It greatly appreciated the indefatigable efforts of the Secretary-General and his personal representative, and the realistic approach of all the parties concerned, which had been essential for the conclusion of those Agreements. However, it was necessary to ensure their strict implementation, including an immediate halt of arms supplies to all parties to the conflict, and to take into account, in a balanced way, the needs and interests of the Afghan people and all the parties concerned.

44. The human rights situation in Cyprus continued to be unsatisfactory owing to the unnatural division of the island. The restoration of human rights for all its inhabitants required a just and lasting settlement of the internal conflict which would guarantee the independence, unity and territorial integrity of the country.

45. Another phenomenon which required close attention was the spreading xenophobia and racial discrimination in some developed countries, directed against migrant workers from developing countries, which had brought anti-democratic forces into play.

46. As a result of the dramatic changes that had taken place in the countries of Eastern Europe in the previous year, human rights issues were being given a priority in the formulation of both their foreign and their domestic policies. Legislation was being brought into line with the obligations arising from international law.

47. His own country was in the process of establishing a new type of State in which the law was equally binding on all citizens as well as on State organs and other social entities, what was usually referred to as a "State subject to the rule of law". The new legislation should be crowned by a Constitution based on strict respect for the Universal Declaration of Human Rights and all the international obligations arising therefrom. Such steps would contribute to a strengthened faith in the value of every human being, on whom attention must always be focused at a time of such profound changes.

48. Mr. PHARAON (Observer for the Syrian Arab Republic) said he wished to congratulate the people of Namibia on their achievement of freedom after such a long struggle. The people of Azania had also won a victory with the release of Nelson Mandela, and it was to be hoped that Azania would soon take its place within the international community as an independent State, and that the so-called Government of South Africa would be expunged from the records of the United Nations.

49. However, some of the world's peoples were still under the yoke of military, economic and financial imperialism. For many years, Lebanon had been suffering under the overbearing Zionist military machine and the racist Israeli leadership. Those who refused to co-operate with the occupation forces were incarcerated in concentration camps similar to those set up by the Nazis. Lebanese citizens had been expelled from their homes and farms and taken hostage. Collective punishments had been imposed. Lebanese and Palestinians had been subjected to torture. Young men had been forcibly conscripted into Israeli-controlled gangs, and those who had objected had been deported to the northern areas of Lebanon.

50. There had been daily attacks on northern Lebanon in which the most sophisticated weapons of mass destruction produced in the West had been used. The Zionist occupation forces had usurped vast areas of southern Lebanon, establishing settlements in those areas or annexing them to existing settlements, and installing new immigrants from other countries.

51. Those acts of aggression would not have been possible without the economic, military, political and technical support received by the Zionist entity from the United States of America and without the international media's imposition of a news black-out on such crimes. However, the peoples' struggles would inevitably triumph, and racist Tel Aviv and Pretoria were next in line for defeat.

52. With regard to the situation in Cyprus, with which his country had long-standing neighbourly relations, it was to be hoped that the international endeavours to bring about reunification and conciliation, and ensure the sovereignty of the island on the basis of the coexistence of the two communities, would be successful.

53. While the colonial empires which had enslaved the peoples of the ancient and modern worlds had slaughtered countless thousands, the most odious crimes of all had been committed on the continents of the New World. There, entire peoples had been exterminated, while others were currently struggling to survive in spite of the genocide practised against them, in which modern, scientific methods were used. For example, young people were forced into drug and alcohol addiction; obstacles were placed in the way of their obtaining an education, and they were prevented from establishing economic and political institutions to protect them from the major monopolies. Moreover, chemical products were disseminated to impair the fertility of young women.

54. The world could not forget the tragedy of the tens of thousands of Africans who had been shipped from their homelands and forced to become slaves on colonial plantations. Although their descendants in the contemporary era had ostensibly been emancipated, they suffered daily persecution and humiliation. Unemployment among blacks was three times as high as among whites. There was a large proportion of blacks in various prisons, in some cases as high as 65 per cent of all prisoners. The rate of murder victims among blacks was six times as high as that of whites.

55. International laws and conventions prohibited occupying Powers from expelling citizens from their homelands and transferring new immigrants from other countries into occupied territories. Moreover, international conventions prohibited States from solving their problems at the expense of other States. Accordingly, the settlement of new immigrants in Palestine and the other occupied Arab territories constituted a flagrant violation of all humanitarian values and human rights.

56. Mr. ANCOG (Philippines), speaking in exercise of the right of reply, in connection with the remarks made by the representative of the Regional Council on Human Rights in Asia, said that the alleged killer of Oscar Tonog had been identified, and his arrest was imminent. Mr. Tonog's widow had received $P 10,000 as part of his Government's programme of assistance to human rights victims or their relatives. With regard to the alleged abduction of Maximiano Mesina, Jr. and Felix Dimitui, his Government regretted that their relatives had refused to file a complaint, give sworn statements or otherwise co-operate with the investigators. He had no record of the reported killing of Eulogio Sambahón and seven others on 18 November 1989 or of Fernando Pajares and Oscar Paquita on 10 July 1989, but he would transmit the cases to Manila for investigation.

57. As to the allegation that 18,000 families in 32 provinces constituting 108,000 individuals had been temporarily relocated, his delegation could not accept those figures. There had, in fact, been temporary evacuations in several towns in mid-1989, when the military authorities had launched an operation to root out insurgents in Negros Occidental. The civilians had been removed from their homes for their own safety. Some 700 of them had been accommodated in a temporary evacuation site, where the Government had provided them with food, medicine and supplies as well as the services of doctors and nurses. Regrettably, a number of them, mainly children, had succumbed to diseases from which they had already been suffering prior to the evacuation.

58. By confronting the insurgent forces, his Government was exercising its legitimate right to self-defence. Prudence dictated that civilians should be moved away from the area of fighting, and his delegation could not understand why human rights advocates should make a big issue of such evacuations. He wondered whether they would have preferred the civilians to remain in the combat area.

59. It was never his delegation's intention to suggest that inaction in the face of human rights violations should be interpreted as a waiver of rights guaranteed under international human rights instruments. However, when a person whose human rights had been violated rejected the Government's offer of assistance to investigate the case, he had no right to blame the Government if the perpetrators had not been brought to justice. There were no fundamental differences in the objectives of his Government and that of the Regional Council on Human Rights in Asia: both wanted the human rights of all to be respected and violations of human rights punished.

60. Mr. DHAMMA (World Conference on Religion and Peace) said that the scale of suffering in many Buddhist regions of Asia, in particular Myanmar, Sri Lanka, Tibet, Cambodia and Viet Nam, had reached a terrible level of intensity. He was saddened that many of the worst atrocities were taking place in countries where the spiritual means of eliminating suffering were enshrined in the core of ancient Buddhist traditions.

61. Buddhism, which transcended national, cultural and political boundaries, contributed to peace and harmony in the world. Its supreme task was to alleviate the suffering that had come about through greed and hatred by cultivating universal compassion. Non-violence was central to Buddhism, and there could never be such a thing as a "just war".

62. It was a Government's responsibility not to oppose the will of the people, but rather to rule in harmony with it. All faiths, whether religious or political, deserved to be honoured. Under Buddhism, Governments must also ensure economic prosperity in order to encourage social harmony.

63. Buddhist tradition guaranteed many of the most basic human rights, for instance freedom of belief and expression. Buddhist teaching on freedom of thought and individual development based on democratic principles was a common theme. Buddhist doctrine also ensured the most fundamental human right of all, the right to life. That was the cornerstone of its teachings and should be reflected in national legislation and practice.

64. There had been many occasions in the history of the Buddhist nations where monks had sought to protect the weak from oppression and had intervened in conflicts between Governments and their subjects. That was only part of the fundamental duty of Buddhist monks to alleviate human suffering by indicating the correct moral path and acting as society's conscience.

65. It was also their fundamental right to express criticism of misdeeds and to call for harmony and dialogue in secular affairs while themselves remaining outside the world of politics, and with that in mind, he called for the respect of the human rights of all peoples, especially those in the Buddhist countries of Asia.

66. He urged the Commission to identify and work to eliminate the root cause of human rights violations and injustice in the world and to establish a better and more harmonious society.

67. Ms. Sinegiorgis (Ethiopia) took the Chair.

68. Mr. OMAR (Observer for the Sudan), speaking in exercise of the right of reply, said that Pax Christi International's allegations accusing the new Government of having aborted the peace talks between the North and the South of the Sudan was a deliberate distortion of the facts.

69. Before 30 June 1989, when the current Government had taken power, numerous peace initiatives had been launched to put an end to the fighting in the Sudan, but they had been either academic exercises in the form of workshops or seminars involving Sudanese and foreign intellectuals, professional groups and trade unions and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA), or else discussions between one or several of the Sudan's 30 political parties and the SPLM/SPLA. None of those initiatives had involved the Government of the Sudan. In fact, the SPLM/SPLA had refused to recognize or deal with the successive Sudanese Governments since 1983. Clearly, no political party could negotiate a peace settlement on its own.

70. After 30 June 1989, the current Government had given top priority to the realization of peace in the Sudan. It had immediately established contact with the SPLM/SPLA, declared a general amnesty for all those who had borne arms against the Government of the Sudan since May 1983 and opened peace talks in Addis Ababa, Ethiopia, in August 1989.

71. Those talks had led to a cease-fire, an agreement to facilitate and protect food-relief operations, the establishment of a channel for direct communications between the Government and the SPLM/SPLA and the agreement to discontinue hostile propaganda campaigns. The SPLM/SPLA had not respected the agreements, however, and had immediately attacked and occupied the town of Kurmuk on the Sudan's south-eastern border with Ethiopia.

72. In preparation for the second phase of the peace talks, his Government had organized a national dialogue in Khartoum and repeatedly invited the SPLM to participate, but to no avail. All sectors of Sudanese public opinion had been represented in that dialogue, 36 out of 106 participants having come from the South. The participants had concluded that the root cause of the issue was not a question of conflict between North and South, Arabs and Africans or Muslims and non-Muslims, but rather problems of sharing power, national revenue and natural resources, the preservation of cultural pluralism, national identity and diversity, and the relationship between State and religion. They had recommended the introduction of a federal system in the Sudan to cope with those issues. Under the proposed system, each state could refuse to enact legislative provisions that it deemed to be of religious origin.

73. During the second phase of peace talks at Nairobi, Kenya, held in the period 30 November-5 December 1989, the two sides had agreed that the aforesaid recommendations constituted a constructive basis for solving the problems of

the Sudan and that a constitutional conference should be convened to draft a permanent constitution for the country; they had also agreed on the procedure for ratifying that constitution.

74. The two sides had disagreed on: the amalgamation of the SPLA and the armed forces on a 50 per cent basis; the formation of a broad-based Government, although the Government of the Sudan had already agreed to the participation of the SPLM in the current Government; and the repeal of existing Islamic legislation. For the Government, that legislation had been suspended since 1985, and its repeal, an SPLM pre-condition, would thus serve no purpose. A definitive solution of the issue of Islamic legislation was contained in the proposed federal system.

75. His Government was looking forward to the third phase of the peace talks. Through the good offices of President Mubarak of Egypt and President Mobutu of Zaire, it was expected to start some time within the next few weeks.

The public meeting rose at 11.55 a.m.

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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 February 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

CONTENTS

Statement by the United Nations High Commissioner for Refugees

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

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GE.90-10936/1823B

The meeting was called to order at 3.10 p.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

1. The CHAIRMAN, introducing Mr. Stoltenberg, said that the latter had occupied the post of Minister of Defence of Norway in 1979 and of Minister for Foreign Affairs in 1987. He had also chaired the United Nations North-South Committee and had been appointed High Commissioner for Refugees in January 1990.

2. Mr. STOLTENBERG (United Nations High Commissioner for Refugees) said that the dramatic changes that had taken place in Europe and the steady progress elsewhere now made it possible to approach humanitarian problems, and particularly the refugee problem, with renewed energy. There were currently 14 million refugees in the world. In order to solve that complex problem, account had to be taken of all the factors which, singly or in combination, impelled people to leave their countries: persecution was certainly one of them, but there were also wars, man-made disasters, poverty and environmental destruction.

3. The organizations dealing with the problem, beginning with the Office of the United Nations High Commissioner for Refugees, could intervene only within the limits of their mandate, resources and experience. It was therefore desirable that the response capabilities of the multilateral system as a whole be mobilized in a comprehensive approach. That was why he had wished to address the Commission at the outset of his tenure of office.

4. The Commission for Human Rights had an important role to play in such a comprehensive approach. Violations of human rights were a major cause of the refugee exodus and, through the efforts which it made to curb such violations, the Commission contributed to the prevention of refugee flows; violations of human rights also created complex problems of protection in countries of asylum; and the return to an acceptable human rights situation in countries of origin could be the key to the resolution of long-standing refugee problems. In all those cases, the refugee issue must be placed in a humanitarian and human rights context. Such a proposition might appear self-evident, particularly to the Commission, but it was by no means always accepted.

5. There was currently a tendency to assimilate the problem of refugees seeking asylum to that of all kinds of illegal migrants, including undesirable ones. But refugees were not migrants in any sense: they left not because they wished to leave but because the conditions in their country of origin impelled them to do so. The international community must therefore concern itself with that situation with greater urgency.

6. Strengthened observance of civil and political rights, but also of economic, social and cultural rights, was fundamental. In that connection it was clear that development occupied a central place in the solution of the refugee problem. Development aid had a considerable potential for promoting human rights and could, in particular, play an important role in voluntary repatriation.

7. The link between human rights violations and massive outflows of refugees would be examined by the Working Group on Solutions and Protection, which was soon to meet at the request of the Executive Committee of UNHCR. Asylum, in

particular, posed a number of serious problems which deserved to be considered by the Commission, such as the refoulement of refugees by certain States, their unwarranted detention, sometimes in unacceptable conditions, threats to their security and their forcible recruitment into armed forces or armed attacks against camps. The right to seek and enjoy asylum remained a fundamental right, and its denial had very serious consequences.

8. Attention should also be drawn to the case of women and children, who were particularly vulnerable and for whom UNHCR had developed special policies and programmes. The Commission had shown that it, too, had been aware of their needs, particularly during the negotiations which had produced the United Nations Convention on the Rights of the Child.

9. Those problems had already been raised at previous sessions of the Commission by the Director of UNHCR's Division of Refugee Law and Doctrine and were still of serious concern. It would be beneficial were the Commission to give them greater attention, not only in its resolutions, but also under the special procedures and reporting mechanisms which it had established.

10. According to the most broadly accepted legal definition, refugee status was granted to persons outside their own country who, due to a well-founded fear of persecution, were unable or unwilling to be protected by that country. However, some people who fled their own country were not fleeing from persecution but from ethnic or social unrest. They were not entitled to refugee status, and their situation was therefore even more precarious. UNHCR had therefore deemed it necessary to protect them. In his opinion, that problem provided real scope for multilateral humanitarian action.

11. In such an international climate, the promotion of refugee protection principles and global accession to refugee law instruments took on a heightened significance for UNHCR. In addition, the already close co-operation between UNHCR and human rights bodies, especially the Centre for Human Rights, could be considerably strengthened. Emphasis should also be placed on the vital role played by non-governmental organizations in the protection of refugees: they co-operated with UNHCR in project implementation, helped to finance its activities and mobilized the support and assistance of the international community. UNHCR would continue to explore with them new modes of co-operation adapted to each situation.

12. UNHCR would continue to do everything within its capacities and resources to protect refugees and to find lasting solutions to their problems, but it could not carry out that complex task alone. In an increasingly interdependent world an innovative approach which drew on the capabilities of the United Nations system as a whole was therefore necessary. The Commission had an important role to play in helping to promote a more humane world for all people. The way in which States treated refugees was a touchstone of their human rights policy.

13. The CHAIRMAN assured the High Commissioner for Refugees that the Commission had heeded his appeal for closer co-operation and had appreciated the link which he had highlighted between its own activities and those of UNHCR. The Commission would reflect on the matter and respond to the appeal during the present session.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

(E/CN.4/1990/5, 21, 22 and Corr.1 and Add.1, 25-28, 51, 52, 55, 57, 69, 70 and 74; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55 and 58; A/44/526, 573, 620, 622, 635, 669 and 671)

14. Mrs. OLSEN (Women's International League for Peace and Freedom) devoted most of her statement to violations of human rights in El Salvador, particularly violations involving women and children. Such violations must be considered in the light of the serious crisis which the country was experiencing, characterized by the persistence of an armed conflict, a dramatic reduction in purchasing power, increased unemployment, under-employment and infant mortality, malnutrition of the overwhelming majority of children, the proliferation of shanty towns, a very high rate of illiteracy and a low health budget that was three times less than the defence and public security budgets.

15. According to the Human Rights Commission of El Salvador, in 1989 a total of 6,233 persons, including Mrs. Cecilia del Carmen Segura, who had been abducted and brutally tortured, had been subjected to various violations of their rights, including abductions, disappearances, murders, psychological and/or physical torture, arbitrary arrests and detentions, house searches without a warrant and looting.

16. Under the state of siege in force since 12 November 1989, the military, the security forces and paramilitary groups were able to intimidate the civilian population with complete impunity. For example, Mrs. Herrera, President of the Women's Legal Assistance Centre, had been abducted by military personnel, interrogated and then killed by a bullet in the head. On 1 December 1989 military personnel, after failing to find the trade union activist Jorge Alberto Amaya at his home, had abducted nine members of his family, including five children aged between 2 and 12 years old. Some were at present still in prison. Manuel Antonio Colindres Panameño, who had given evidence before the United Nations Special Representative to El Salvador concerning the murder of his parents and brother by soldiers, had been abducted by military personnel on 8 January 1990. His whereabouts was still unknown.

17. In November and December 1989, at the height of the armed clashes, the Government of El Salvador, far from protecting the civilian population, had ordered the army to bomb the poorest and most densely populated districts. It had not been possible to identify or count the many civilian victims, who had been hastily buried in common graves.

18. The Women's International League for Peace and Freedom therefore requested the Commission to urge the Special Representative to visit El Salvador in order to investigate the bombings and the damage which they had caused to the civilian population and to extend his mandate to enable him to collect further information on human rights violations in El Salvador.

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19. Turning to Nicaragua, she requested the Commission to do its utmost to verify reports that women had been abducted by the Contras in 1984 and taken to camps in Honduras, where they had been raped, and to ensure that the 9,000 persons still in those camps could, if they wished, return freely to Nicaragua under the peace accords signed by the Central American States.

20. The Women's International League for Peace and Freedom wished to sound a cry of alarm concerning the massive violations of the rights of the Kurdish people by Iraq and by Turkey.

21. Mr. SELEPENG (Botswana) recalled that the Commission on Human Rights, aware of the urgent need to restore the human rights of the Cypriot population, had adopted various resolutions on the subject since 1976. His delegation considered that the international community in general, and the Secretary-General of the United Nations and the Commission on Human Rights in particular, must take advantage of the current climate of détente and redouble their efforts to find a just and lasting solution to the Cyprus problem. Such a solution could be found only if the sovereignty, independence and territorial integrity of the Republic of Cyprus and its status as a non-aligned country were respected. Also, foreign troops must be withdrawn so as to create a favourable climate for reconciliation and reconstruction, and the fundamental rights and freedoms of the people of Cyprus, including freedom of movement, freedom of settlement and the right to property of which it had been dispossessed following the events of 1974, must be restored.

22. His delegation therefore urged the Commission to use its good offices to enable the refugees to return to their homes and to recover their property. All foreign settlers must be encouraged to leave the island and Cypriots must be permitted to rebuild the homes which they had had to leave 16 years previously. He believed that the Commission would be able to find a way of alleviating the sufferings of the Cypriot people.

23. Mr. OLIVEIRA SANTOS DA COSTA (Observer for Angola) said that, although 30 years had gone by since the General Assembly's adoption of resolution 1514 (XV) and although substantial progress had been made in the field of human rights, there were still countries and territories subjected to foreign domination and occupation despite the efforts made by the international community.

24. In the Middle East, for example, Israel was pursuing an expansionist policy by occupying Palestine and other Arab territories. The repressive practices to which the populations of those territories were being subjected were contrary to the International Covenants on Human Rights and must be condemned by the whole international community. A solution to the problem must be found with the utmost urgency, in order to ensure that the rights of the peoples of the region, including the Palestinian people, were respected.

25. East Timor had been subjected to a bloody invasion and to an unjustifiable occupation by a foreign country. The people of East Timor must be able to exercise its right to self-determination, and he appealed to all parties concerned to co-operate with the Secretary-General of the United Nations with a view to finding a comprehensive and lasting solution to the problem.

26. Another cause for concern was the persistent occupation of part of the Republic of Cyprus in defiance of the resolutions adopted by the Commission on Human Rights and the Security Council. Only respect for the sovereignty and territorial integrity of Cyprus would enable the Cypriot population to exercise its rights in full and the refugees who wished to do so to return to their homes.

27. Namibia's forthcoming accession to independence and the recent release of Nelson Mandela were encouraging developments, but the international community must continue to play an active role in the total dismantling of apartheid.

28. Mr. WAGNER (International Human Rights Law Group) said that the welcome events in the field of human rights that had recently taken place in the world had, unfortunately, had no impact in three countries - China, Guatemala and Sri Lanka - where the right of everyone to life, liberty and security of person set forth in article 3 of the Universal Declaration of Human Rights was being routinely violated.

29. In China, following the suppression of the peaceful pro-democracy movement in June 1989, several thousand persons had been arrested for having sought to express their political opinions and, according to reliable information received by the International Human Rights Law Group, some 40 of them at least had been executed, in some cases secretly, without having been charged or tried. In addition, participants in the demonstrations had been executed for minor offences which had not merited the death penalty, since, according to article 6 of the International Covenant on Civil and Political Rights, the death penalty could be pronounced only for "the most serious crimes". Furthermore, the policy under which, according to the President of the Supreme Court of the People's Republic of China, Chinese courts must deal leniently with those who confessed their crimes and inflict severe punishment on those who refused to do so was not consistent with the principle of the presumption of innocence set forth in article 10 of the Universal Declaration of Human Rights and showed that the Chinese courts were neither independent nor impartial in cases involving participants in the democracy movement.

30. The treatment meted out to the pro-democracy demonstrators was in no way an internal affair of concern only to China, since China had ratified treaties that recognized the international community's right to concern itself with the way in which a State treated its own citizens. It had also voted in favour of resolutions of the Commission concerning the dispatch of United Nations missions to examine the human rights situation in other countries, as well as in favour of resolution 1989/5 in which the Commission had strongly condemned South Africa, even though the Government of South Africa itself affirmed that apartheid was an internal affair. Apartheid and the suppression of the pro-democracy movement in China were certainly not comparable situations, but the fact that China had voted in favour of that resolution was irrefutable proof that it recognized the legitimacy of the concern expressed by the international community regarding the violations of human rights committed in the territory of a sovereign State. Consequently, the Commission must appeal to the Government of the People's Republic of China to stop arresting and punishing persons who had peacefully expressed their opinions and to ensure that all persons currently detained were promptly and unconditionally released or charged and tried in accordance with international recognized standards.

31. The International Human Rights Law Group was also extremely concerned about the deterioration in the human rights situation in Guatemala, despite the few brief improvements that had occurred after the change-over from a military to a civilian Government in 1985. Several hundred cases of extrajudicial killings and forced or involuntary disappearances had been reported in 1989, and several students had been the victims of such practices since August 1989. Yet the judiciary were still powerless to cope with the situation; although remedies such as habeas corpus were available in cases of human rights violations, judges were afraid to give effect to them. Since 1985 only one habeas corpus case had gone beyond the initial procedural stage, and all action had been blocked when the Supreme Court had decided that only a military court was competent to examine it.

32. Although Guatemala was a party to the American Convention on Human Rights, article 4 of which guaranteed the right to life, liberty and security of person, the Government of Guatemala had taken no action to put an end to the systematic violations of human rights or to improve the human rights situation in the country, despite the special advisory services furnished to it for that purpose in accordance with the recommendations of the Commission.

33. In Sri Lanka, too, violations of the right to life were becoming more and more frequent and systematic. The Working Group on Enforced or Involuntary Disappearances had listed 33 new cases of disappearance in 1989 and had reported that 901 cases remained unresolved. Many lawyers and journalists who had reported human rights violations had been threatened with death or killed.

34. Nevertheless, the Government of Sri Lanka had done nothing to bring those responsible for the violations to justice. In fact, any investigation on the subject was almost impossible because of the powers conferred upon the Government by the state of emergency reimposed in June 1989. Regulation 55 FF. had been repealed, but none of the acts committed by the Government's security forces under it could give rise to an inquiry or prosecution. Finally, the Indemnity Act of December 1988 provided that no criminal proceedings could be brought against members of the security forces, who could thus act with complete impunity.

35. The seriousness of the human rights situation in China, Guatemala and Sri Lanka called for special action by the United Nations. Consequently, the International Human Rights Law Group suggested that the Commission should appoint special rapporteurs to investigate human rights violations in those three countries and ways of preventing them.

36. Mr. HUSSEINI (International Organization of Journalists) said that his organization grouped together over 260,000 journalists from 124 countries and that its main objectives were to protect the right to freedom of expression and information in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to promote professional standards in journalism and enhance the social responsibility of journalists in accordance with the international principles of professional ethics, to promote the democratization and autonomy of the media, to protect and strengthen the moral and material rights of journalists through their professional associations and trade unions, and to promote the protection and safety of journalists, as well as world-wide solidarity among them. In its efforts to achieve those objectives, IOJ attached great importance to co-operation with the United Nations system, and in particular with the

Centre for Human Rights and the Commission on Human Rights. On many occasions it had requested the Commission to intervene in order to put an end to human rights violations in various parts of the world and had submitted a document on the safety and protection of journalists to it at its present session.

37. In recent years journalism had become one of the most dangerous professions in the world. The right to inform and to be informed, which was one of the most basic human rights, was being increasingly violated throughout the world, particularly in countries subjected to dictatorial and oppressive régimes. Many journalists had been arrested, tortured, imprisoned and even murdered while performing their duty to inform. In 1989 alone, 60 of them had been killed in the performance of their duties. The highest number of murders of journalists had been recorded in Latin America, particularly in Colombia, as a result of political terrorism and the increase in drug trafficking.

38. According to other statistics, 269 journalists had been unjustly arrested and imprisoned in 1989, approximately 100 per cent more than in 1988, mostly in developing countries where basic human rights were systematically violated. Moreover, many journalists were being kidnapped. Three more had been kidnapped in 1989, and it was still not known what had become of the British journalist, John McCaffrey, who had been kidnapped in Lebanon in 1985.

39. It was becoming increasingly difficult for journalists to do their work in several parts of the world, and the international and regional organizations of journalists grouped in the Consultative Club that operated under the auspices of UNESCO had given the matter serious consideration at their latest meeting in Mexico City in July 1989. They had decided to request all intergovernmental bodies, including the Commission on Human Rights, to take steps to guarantee the safety of journalists in the performance of their duties.

40. To reduce journalists to silence and to prevent them from informing their readers constituted a flagrant violation of human rights and of all the provisions of the International Covenant on Civil and Political Rights. The Commission should therefore act without delay and appoint a rapporteur to study the matter and to report back to it at its forty-seventh session. IOJ, for its part, was ready to assist the rapporteur and to help the Commission in its efforts to protect human rights.

41. Mr. CAICEDO FERNANDEZ (Latin American Federation of Associations for Relatives of Disappeared Detainees) said that the statements made by his Federation (FEDEFAM) were based on the testimony of families of disappeared detainees and on reliable evidence and that FEDEFAM's only objective was to seek out the truth.

42. The report prepared by Mr. Wako, Special Rapporteur on Summary or Arbitrary Executions, on his visit to Colombia in October 1989 (E/CN.4/1990/22/Add.1) gave a comprehensive picture of the current situation in that country, where human rights, including the right to life, were being grossly and systematically violated. The Colombian people was the real victim of the acts of violence committed by the military, the State security agencies and paramilitary groups that acted with complete impunity, applying criminal methods of repression developed for the Latin American continent by the United States under a system of government which gave precedence to force over law. Mr. Wako's report clearly showed that army and police personnel had

been involved in individual and collective murders committed with the aid of paramilitary groups established under the organic decree on national defence promulgated under the state of siege which had been in force in the country for 40 years. The Government had provisionally suspended only one of the articles of that decree and had amended another, but it had taken no effective measure to dismantle the paramilitary groups, to purge the army or to change its repressive methods. It took shelter behind the campaign against drug traffickers in order to conceal its direct or indirect responsibilities in what had been called "the dirty war", in which many army and police officers were involved who were still serving or had even been promoted.

43. The figures given by Mr. Wako in his report gave some idea of the extent of the violence in Colombia. However, the disappearance, following their arrest by a paramilitary group, of 42 farmers on 14 January 1990 in the Uraba area marked a new stage in the escalating terror, as it constituted a collective disappearance. It was therefore essential for the Commission to appoint, with the utmost urgency, a special rapporteur to monitor the human rights situation in Colombia.

44. With regard to Chile, which was the subject of the report prepared by Mr. Fernando Volio Jiménez (E/CN.4/1990/5), FEDEFAM considered that the election of a new Government in December 1989 did not justify the removal of the question of human rights in Chile from the Commission's agenda. General Pinochet had succeeded in remaining at the head of the Chilean army, which was primarily responsible for the human rights violations committed during the 16 years of military dictatorship; all the crimes committed by agents of the dictatorship had remained unpunished and further murders had taken place in late 1989; the 774 cases of disappearance reported since 1973 had still not been elucidated and the military courts were still applying methods that were contrary to the principles of international law. The Special Rapporteur on Chile himself recommended that the Chilean Government should not carry out the death penalty imposed on 17 political prisoners, that it should continue to investigate the disappearances and that it should forbid torture.

45. The Commission on Human Rights therefore had a duty to continue to monitor the situation in Chile and to make sure that the new Chilean Government was willing to investigate the violations committed and to punish their perpetrators, notwithstanding any attempts which the military might make to sabotage the rule of law.

46. In El Salvador the human rights situation had worsened with the assumption of power by the Arena party and following the FMLN's military offensive, which had served as a pretext for the Government and the army to intensify their represssion of the people of El Salvador by sheltering behind the powers conferred by the state of siege decreed on 12 November 1989 and extended on 8 February 1990. Since then the number of killings and disappearances had further increased, and the freedoms of expression, association and movement had been restricted. The offices of humanitarian and trade union organizations were attacked and sacked, and persons who denounced human rights violations ran the risk of being abducted or murdered. That was what had happened to the young Manuel Colindres Panameño, who had been abducted by soldiers on 8 January 1990 and was still missing.

47. Moreover, like various institutions in Guatemala, including the Congress of Guatemala, FEDEFAM requested the Commission to appoint a special rapporteur to monitor the human rights situation in that country, which was currently experiencing serious difficulties, as was shown by Mr. Gros Espiell's report (E/CN.4/1990/45/Add.1).

48. Finally, FEDEFAM requested the Commission to invite the Peruvian authorities to do their utmost to try to recover alive Professor Javier Antonio Alarcón who had been missing since mid-December 1989.

49. Mr. IBARRA (Commission of the Churches on International Affairs of the World Council of Churches), speaking on behalf of the 300 member churches of the World Council of Churches, drew attention to certain situations involving human rights violations which called for immediate action by the Commission. First of all, in the Philippines, although certain abuses had lessened in 1989, human rights lawyers and members of the left-wing opposition continued to be subjected to repression. Counter-insurgency strategies were aimed at destroying the opposition. In 1989 they had resulted in a strengthening of the paramilitary forces (CAFJU) and in massive enforced displacements of populations which, over the past two years, had caused more than 400,000 persons to seek refuge elsewhere in their own country. In order to put an end to such violations, the Philippine Government should try to solve the problems of agrarian reform and employment and respond to the demands of indigenous peoples for regional autonomy.

50. In Burma the proclamation of martial law in July 1989 had marked the beginning of a new wave of repression, which had led to massive and arbitrary arrests of political opponents and had forced thousands of students to seek refuge in the frontier zones. Elections were scheduled for May 1990, but there were some fears that there would be irregularities. The Commission should keep the situation under review and try to ensure that the elections to be held were free and fair.

51. In Sri Lanka the living conditions of the population and the human rights situation had worsened considerably in 1989. There had been a spectacular increase in acts of violence, particularly in the south, where extrajudicial killings had taken place daily. Abuses had been committed by various groups, including Tamil militants, death squads and special forces of the army. The underlying economic inequalities had not been diminished, and the democratic process had not yet made it possible to set up institutions capable of solving the country's problems. It was desirable that the Commission reaffirm the concern it had expressed in its resolution 43/61 and take initiatives to put an end to the political conflict and to the violations of human rights in Sri Lanka.

52. In Haiti the situation had worsened over the past month as a result of the acts of repression carried out by the military Government of President Prosper Avril against his political opponents in the Rassemblement national. Dozens of persons had been arrested, and the offices of various political parties had been sacked, as well as the premises of the Oecumenical Centre for Human Rights, an organization which worked in close co-operation with the World Council of Churches. The Council associated itself with the appeals made for the restoration of the Constitution of March 1987 and for the disarming of the paramilitary forces and the holding of the promised elections. It requested the Commission to appoint a special rapporteur to study the situation in Haiti.

53. On many occasions the World Council of Churches had addressed the Commission on the subject of violations of human rights committed by the military régime that had been in power in Chile since 1973, basing itself on the patient and meticulous work done by the Vicaría de la Solidaridad of the Archbishopric of Santiago. Despite the encouraging changes that had recently taken place, the Commission should continue to be vigilant. The work done by its Special Rapporteurs and by human rights organizations in Chile constituted an asset that must be used to solve the problems that still persisted, such as the releasing of all political prisoners, compensation of the victims of the 16 years of repression, and determination of the past responsibilities of the military Government. The civilian Government which was to take office in March 1990 would inherit a deeply divided country in which the military would continue to hold great power. In those circumstances the World Council of Churches recommended that the Special Rapporteur's mandate be renewed.

54. In Guatemala political violence had increased alarmingly, the most cruelly affected being the indigenous peoples who constituted the bulk of the population. There were countless bombings, murders and disappearances, and the army and the Government security forces were terrorizing human rights activists, peasants, trade unionists and students who were seeking a national dialogue conducive to peace. In September and October 1989 the number of extrajudicial killings and disappearances had been three times the figure recorded in the first half of the year, and at the year's end reliable sources had reported over 1,300 murders. In addition, the injustice of the system of land tenure and the imbalance in the distribution of resources, together with gross violations of human rights, were obstacles to the initiation of a dialogue conducive to peace with social justice. The Commission of the Churches on International Affairs requested the Commission on Human Rights to reconsider the situation in Guatemala under agenda item 12 and, if necessary, to appoint a special rapporteur for that purpose.

55. In El Salvador the churches and humanitarian institutions had been the major targets for persecution since their denunciation of the injustices that were taking place. The repression carried out by the armed forces was designed to nullify the social work done by the churches and had been further intensified after the big offensive launched on 11 November 1989 by the Farabundo Martí National Liberation Front, for which the authorities accused the churches of acting as a screen. Since then church buildings and social premises had been looted and many religious and lay social workers had been threatened with death, arrested and, in some cases, tortured. Six Jesuits and two women working with them had been savagely murdered. Although the Roman Catholic Church had for a long time been the target of the most violent repression, the other churches - Lutheran, Episcopalian and Baptist - were not being spared by the paramilitary groups. Human rights groups, women's associations, trade unions, the intellectual community and grass-roots organizations were also victims of the repression, the recrudescence of which delegations from the World Council of Churches and various congregations had been able to ascertain on the spot. It seemed clear that the intimidation and terror was aimed in particular at grass-roots organizations and their members, especially in the countryside.

56. In view of the very sharp deterioration in the human rights situation in El Salvador, the Commission of the Churches on International Affairs requested

the Commission on Human Rights to denounce the abuses that were being committed by the armed forces and paramilitary groups in that country, particularly the indiscriminate attacks on the civilian population, and the persecution of the churches, humanitarian organizations and human rights groups. It also urged the Commission to renew the mandate of the Special Representative appointed to study the situation in El Salvador, which should be kept under review.

The public meeting rose at 4.50 p.m.